



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF D-S-C-, INC.

DATE: JUNE 10, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a software development and IT consulting company, seeks to permanently employ the Beneficiary in the United States as a systems analyst under the immigrant classification of advanced degree professional. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The I-140 petition was filed on September 22, 2014. The petition was accompanied by an ETA Form 9089, Application for Permanent Employment Certification, which was filed with the Department of Labor (DOL) on December 24, 2012.

The Director denied the petition on the ground that the Beneficiary did not have the education required for the position and for classification as an advanced degree professional.

The Petitioner filed a timely appeal on Form I-290B. In Part 3 of the Form I-290B the Petitioner indicated that a brief and/or additional evidence would be submitted to us within 30 days. Part 4 of the Form I-290B instructed the Petitioner, in pertinent part, as follows:

On a separate sheet of paper, **you must provide a statement** regarding the basis for the appeal or motion. You must include your name and A-number or USCIS ELIS Account Number on the top of each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed.

Despite these instructions on the Form I-290B, the only statement the Petitioner provided with the appeal was a short letter asserting that "the I-140 Petition was denied in error" and affirming that "[a] brief will be submitted within 30 days." No such brief has been submitted up to the date of this decision. No further evidence has been received since the Petitioner's appeal was filed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

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In this case the Petitioner has identified neither any erroneous conclusion of law nor any erroneous factual findings in the Director's decision. The Petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of D-S-C-, Inc.*, ID# 18279 (AAO June 10, 2016)